

REMARKS

I. Claim Status

Claims 1-99 were cancelled by previous amendment and claims 100-299 were withdrawn. No claim amendments are being made in this submission, however, a claim listing which includes the withdrawn claims is provided herewith. Claims 300-427 are currently pending in this application.

Applicants' attorney thanks the Examiner for the withdrawal of the prior rejections under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 102 (e) in view of Chetverin et al.

II. Amendments to the Specification

The specification has been amended to correct certain typographical errors. No new matter has been introduced by the subject amendments.

III. Rejections under 35 U.S.C. § 103(a)

Claims 300-320 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Patten et al. (U.S. Pat. No. 6,406,910) in view of Iverson et al. (U.S. Pat. No. 6,180,341). Claims 321-327 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Patten et al. (U.S. Pat. No. 6,406,910) in view of Iverson et al. (U.S. Pat. No. 6,180,341) in further view of Nova et al. (U.S. Pat. No. 6,284,459). These rejections are respectfully traversed.

A Statement of Common Ownership is enclosed which addresses the common ownership of U.S. Pat. No. 6,406,910, and also U.S. Pat. Nos. 6,358,740 and 6,413,745, which are in the same patent family as U.S. Pat. No. 6,506,910. Primary reference U.S. Pat. No. 6,406,910 is therefore not applicable as a basis for rejection under 35 U.S.C. § 103(c). The description provided in the Iverson et al. and Nova et al. references do not describe or suggest the invention as claimed. Accordingly, withdrawal of the rejections of claims 300-327 is respectfully requested.

The Office Action Summary states that claims 300-427 were rejected, but the Detailed Action addresses only claims 300-327. Applicants assume that there may have been a typographical error in the Detailed Action.

IV. Supplemental Information Disclosure Statement

Enclosed herewith is a Supplemental Information Disclosure Statement.

V. Previously Submitted Information Disclosure Statement


Applicants have not yet received signed off copies of Information Disclosure Statements that were filed on August 20, 2001 and August 20, 2003. Applicants respectfully request that the Examiner sign off and return copies of these documents.

CONCLUSION

In light of the foregoing remarks, Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below. The Commissioner is hereby authorized to charge any fee deficiencies in connection with this submission to Deposit Account No. 50-0990.

Respectfully submitted,

November 22, 2004

By: 

Sharon M. Fujita
Attorney for Applicants
Reg. No. 38,459

MAXYGEN, INC.
Patent Department
515 Galveston Drive
Redwood City, California 94063
(650) 298-5421 (Telephone)
(650) 298-5446 (Facsimile)
Customer No. 30560

Attachments: Statement of Common Ownership
Supplemental IDS